

**MISSOURI COURT OF APPEALS  
WESTERN DISTRICT**

**JERI JILL WOOD,**

**Appellant,**

**v.**

**MARK STEPHEN WOOD,**

**Respondent.**

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DOCKET NUMBER WD74944

**Date: December 26, 2012**

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Appeal from:  
Platte County Circuit Court  
The Honorable Gerald D. McBeth, Judge

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Appellate Judges:  
Division Two: Lisa White Hardwick, Presiding Judge, James M. Smart and Karen King Mitchell, Judges

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Attorneys:  
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Lori E. McCutchen, Kansas City, MO, for Appellant.

# **MISSOURI APPELLATE COURT OPINION SUMMARY**

## **COURT OF APPEALS -- WESTERN DISTRICT**

**JERI JILL WOOD**

**Appellant,**

**v.**

**MARK STEPHEN WOOD,**

**Respondent.**

WD74944

Platte County

Before Division Two: Lisa White Hardwick, Presiding Judge, James M. Smart and Karen King Mitchell, Judges

Jeri Jill Wood (Mother) appeals from the circuit court's judgment modifying the dissolution judgment between her and Mark Wood (Father). Mother alleges error in the court's modification of the child custody terms and the child support and maintenance provisions of the decree.

**AFFIRMED, IN PART, AND REVERSED AND REMANDED, IN PART.**

Division Two holds:

(1) The court did not err by failing to make written findings identifying the facts constituting a change of circumstances warranting modification. Although Section 452.410.1, RSMo 2000, required the court to find a change of circumstances before it could modify the parties' parenting time, the statute did not require the court to make written findings identifying the facts that constituted the change of circumstances.

(2) Because the parties did not agree on a custodial arrangement, the court erred by failing to make the written findings required by Section 452.375.6, RSMo Cum. Supp. 2011.

(3) The court erred by failing to include the parenting plan in the judgment as required by Section 452.375.9, RSMo Cum. Supp. 2011.

(4) Viewed in the light most favorable to the judgment, sufficient evidence supported the court's determination that Father's reduction in income constituted a substantial and continuing change in circumstances warranting modification of child support and maintenance .

(5) We are unable to review Mother's claim of error concerning the child support award because the court's findings and the record are insufficient to allow for meaningful appellate review of the child support calculation.

(6) The court erred by ordering the modified child support award retroactive to a date before Father filed his motion to modify.

(7) The court erred by ordering the modified maintenance award retroactive to a date before Father filed his motion to modify. The court did not err by modifying Father's unpaid accrued maintenance installments. While Section 452.370.6, RSMo 2000, provides that a maintenance award may be modified as to "installments which accrued subsequent to the date of personal service," it does not limit modification to only those accrued installments that have been paid.

(8) The court's ordering the modified child support and maintenance awards effective retroactively did not constitute a collateral attack on the validity of the contempt judgment. The effect of the court's order was simply to purge Father of his contempt.

Opinion by: Lisa White Hardwick, Judge

December 26, 2012

**THIS SUMMARY IS UNOFFICIAL AND SHOULD NOT BE QUOTED OR CITED.**